

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CARLET D. WARD, :
: .
Plaintiff, :
: .
v. : Civil Action No. 21-1758-VAC
: .
CAMDEN POLICE DEPARTMENT, :
et al., : .
: .
Defendants. :
:

MEMORANDUM

1. **Introduction.** Plaintiff Carlet D. Ward, who appears *pro se* and has paid the filing fee, commenced this action on December 16, 2021. (D.I. 1). She raises a litany of claims, including violations of federal hate crime statutes, violations of her constitutional rights, violations of Delaware criminal statutes, and a civil RICO claim. Before the Court are several motions filed by Plaintiff. (D.I. 3, 4, 7, 17, 24).

2. **Request for Counsel.** Plaintiff requests assistance in obtaining an attorney and/or trial lawyer. (D.I. 3, 7). Her filings are construed as requests for counsel. The requests will be denied. Pursuant to 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person unable to afford counsel. Section 1915(e)(1) confers the district court with the power to request that counsel represent a litigant who is proceeding *in forma pauperis*. Plaintiff has never sought *in forma pauperis* status. She paid the filing fee and the court docket does not indicate that she qualifies for counsel under § 1915.

3. **Request for Service by the USMS.** Plaintiff requests the Court order the USMS effect service upon Defendants. (D.I. 4). The request will be dismissed as moot. Plaintiff withdrew the request on March 14, 2022. (See D.I. 7).

4. **Request for Entries of Default.** Plaintiff requests entry of default against Bob Fenelus, a non-party, and Defendants Camden Police Department, Town of Camden, Wayne White, Harold Brode, Diane Rager, Patricia Griffin, and Lester Johnson. (D.I. 17). The request will be denied as premature. To date, Wayne White has not been served, and Patricia Griffin and Lester Johnson have not been properly served. In addition, at the time Plaintiff made the request for the other Defendants, their time to answer or otherwise appear was not due for some time.

5. **Motion for Default Judgment.** Plaintiff moves for default judgment against all Defendants except Barros, McNamara, Malkiewicz & Taylor. (D.I. 24). The motion will be denied as premature. There has been no entry of default of any Defendant. See Fed. R. Civ. P. 55.

6. **Show Cause.** The Complaint was filed on December 16, 2021. (D.I. 1). Plaintiff has yet to serve Defendant Wayne White and had not effected proper service upon Patricia Griffin and Lester Johnson. Plaintiff will be ordered to shall show cause why Wayne White, Patricia Griffin, and Lester Johnson should not be dismissed as Defendants for Plaintiff's failure to effect service, as required, pursuant to Fed. R. Civ. P. 4(m).

7. **Conclusion.** Based upon the above discussion, the Court will: (1) deny Plaintiff's requests for counsel (D.I. 3, 7); (2) dismiss as moot the request for service of process by the USMS (D.I. 4); (3) deny as premature the request for entry of default and

motion for default judgment (D.I. 17, 24); and (4) order Plaintiff to show cause why Defendants Wayne White, Patricia Griffin, and Lester Johnson should not be dismissed pursuant to Fed. R. Civ. P. 4(m). A separate order shall issue.

/s/ Richard G. Andrews
UNITED STATES DISTRICT JUDGE

August 3, 2022
Wilmington, Delaware